

The Leesburg Planning Commission met on Thursday, July 15, 2004, in the Council Chambers, 25 West Market Street, Leesburg, Virginia. Staff members present were Susan Swift, Christopher Murphy, Paul Gauthier, and Linda DeFranco.

CALL TO ORDER

The meeting was called to order at 7:00pm by Chairman Vaughan.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Present: Chairman Vaughan
Commissioner Bangert
Commissioner Barnes
Commissioner Hoovler
Commissioner Jones
Commissioner Kalreiss
Mayor Umstatt
Commissioner Wright

ADOPTION OF THE AGENDA

Commissioner Hoovler moved to adopt the agenda as presented; Chairman Vaughan asked to amend the agenda to include a presentation of recognition at this time to Jewell Emswiller.

Motion: Hoovler
Second: Bangert
Carried: 7-0

Chairman Vaughan recognized Mrs. Jewell Emswiller's service to the Town of Leesburg both as a Planning Commissioner and also as a Town Councilmember. Ms. Emswiller was presented with a picture of Town Hall.

Mrs. Emswiller thanked Chairman Vaughan and encouraged the Commissioners to carefully look at what they would like to see Leesburg look like in twenty years and use their expertise toward that goal.

Chairman Vaughan then welcomed Commissioner Ted Kalreiss and Commissioner Chuck Jones, two new Planning Commission members as of July 2, 2004. He encouraged them to dedicate their knowledge with the best interests of Leesburg in mind.

APPROVAL OF MINUTES

On a motion by Commissioner Hoovler it was recommended that the minutes of the July 1, 2004 meeting be adopted.

Motion: Hoovler
Second: Wright
Carried: 7-0

PREVIEW CASES

None

CHAIRMAN'S STATEMENT

None

PETITIONERS

None

PUBLIC HEARING

None

SUBDIVISION AND LAND DEVELOPMENT

None

ZONING

**Nextel Wireless Tower – TLSE 2004-0017; TLCP 2004-0004 Special Exception/
Commission Permit – 220 Fort Evans Road – Christopher Murphy, Senior Planner**

Chris Murphy reported that the Nextel representative, Bill Waskey, was unable to attend this evening's meeting. Therefore, any questions that the Commissioners might have of the applicant would not be answered this evening.

Commissioner Kalreiss asked if Nextel had looked at other locations for this pole, specifically further away from Route 15. Mr. Murphy said this was addressed at the last meeting and that it was probably an agreement with the property owner. Mr. Kalreiss asked what the significance of mounting it on a pole versus a freestanding monopole. He also asked if they decide on collocation, that could increase the size of the pole, which would not look good so close to the road. Mr. Murphy said a larger pole could also impact a fire hydrant on the same land island. He said that this needs to be one of the conditions of approval.

Commissioner Hoovler stated that he had asked about this at the last meeting, again saying that the other light pole behind Food Lion would not present that problem.

Chairman Vaughan said that at this point they probably do not want to take any action on this and that this should be held over until the next meeting, when Mr. Waskey could be present. Mayor Umstattd asked if they were certain that this would not break any timeline requirement for this application.

Paul Gauthier came forward and explained about excavating around the hydrant. There is a thrust block that allows for stabilization. If this area is disturbed, then that stabilization can be lost. So, special care needs to be taken to make sure that this is done properly. Also, this should be made a written condition of consent.

Commissioner Hoovler asked that the answers to these questions be given prior to any action being taken. Mr. Murphy read the section of the Zoning Ordinance regarding the timeframe. As far as the Commission Permit is concerned, we are at the deadline. With the Special Exception there is time.

Susan Swift said that since the applicant is not present, is that a tacit approval of an extension. The Mayor said that the assumption cannot be made that the applicant's absence is a tacit approval of extension. The way Virginia Law is written they have to be careful that by taking no action, the application would be approved. Chris Murphy reiterated that fact from the Zoning Ordinance.

Commissioner Wright suggested that they separate the Special Exception and Commission Permit and deny the Commission Permit allowing the application to remain active for action at the next meeting. Susan Swift said they could ask that the applicant to apply for extension.

Commissioner Jones asked about the question on co-locators and asked if this would require additional housing and how this would affect the hydrant? Chris Murphy responded that yes, there would be a larger equipment shed required and the pole could increase in size. Chairman Vaughan stated that also the co-locators could bring in their own equipment station. He wanted to know if they reapply, how would that work. Chris Murphy once again quoted the Zoning Ordinance and said that the Council could overrule the denial and approve the application. Susan Swift said they would probably go the route of applying to Council.

Commissioner Bangert asked whether Chris Murphy would take the Commissions concerns to Council. She went on to say that she would like to see if other locations are possible. Commissioner Kalreiss agreed that another location should be considered.

Commissioner Bangert moved that the Planning Commission deny Commission Permit TLCP 2004-0004 and Special Exception TLSE 2004-0017 for the Nextel Stealth Monopole Cellular Communication Transmission Facility and include in a report to Town Council their reasons that this is not a flat out denial because they thought this was a bad idea, but have questions and concerns that remain outstanding. Those questions and concerns regarding co-location and use of another pole, along with conditions addressing the thrust wall and easement.

Commissioner Wright asked whether they were going to deny both or keep the Special Exception separate.

Commissioner Bangert said they needed to be kept together and the other Commissioners agreed.

Motion: Bangert
Second: Hoovler
Carried: 7-0

At this time the meeting moved on to Council and Representative's Reports.

COUNCIL AND REPRESENTATIVE'S REPORT

Mayor Umstattd spoke briefly on the KSI proposal, saying there was concern over the size of the residential area. The plan is visually attractive. Negotiation continues on the Paxton problem. Vice Mayor Martinez and Councilmember Kramer are working with both citizens and the trustees toward solution. Also, there is a new high school proposed north of Ida Lee Park.

STAFF AND COMMITTEE REPORTS

Commissioner Bangert asked that she be put on the mailing list for Environmental Advisory Commission packets.

OLD BUSINESS

None

NEW BUSINESS

Vacation for the Commission on August 19th. Susan Swift explained that Council has cancelled their second meeting in August, does the Planning Commission want to follow this schedule.

Commissioner Bangert asked whatever happened to the facilitated retreat that the Commission was going to schedule.

Commissioner Bangert moved that August 19th be taken as a vacation from the meeting.

Motion: Bangert
Second: Hoovler
Carried: 7-0

Next was the appointment of a Vice Chairman. Chairman Vaughan opened the floor for nominations for this position. Commissioner Wright moved to nominate Bridget Bangert. This motion was seconded by Commissioner Barnes. Commissioner Wright moved to close nominations.

Motion: Wright
Second: Barnes
Carried: 7-0

The floor was opened for nomination of Parliamentarian. Commissioner Hoovler nominated Kevin Wright, seconded by Commissioner Bangert. There were no other nominations and nominations were closed on a motion by Commissioner Kalreiss. There was no further discussion.

Motion: Hoovler
Second: Bangert
Carried: 7-0

Commissioner Hoovler asked to add some discussion on Meadowbrook at this time. Given the complexity of the application and the public interest in it, will there be an opportunity to have an exchange between the Commission and the applicant about what exactly is being planned. He would like to have the applicant do presentations on each different portion of the application. Chairman Vaughan stated that this would be in direct conflict with the new guidelines they are trying to comply to. Susan Swift said that public hearings cannot be done in parts, allowing the applicant to present when the staff can't provide rebuttal would not be good. Staff analysis is not complete and won't be for some time since the applicant is still working on portions of the study.

Commissioner Hoovler said he feels the Commission is working in a vacuum since the applicant is holding public meetings but the commission is not aware of what is being discussed. Susan Swift said the timeline on when the application will come before the Commission is sliding back somewhat. The reason is that not all of the pieces of the application have been filled in and are still being changed. Commissioner Hoovler still is interested in a flow of information rather than being left out. The beginning of September is most likely the earliest that any report will be ready to be presented to the Commission.

Commissioner Jones asked if there were specific timelines, when did they file? Susan Swift said they filed in January and were accepted in April. Mr. Jones also wanted to know when the Commission responds. Susan Swift responded that the staff writes a report that is the culmination of comments from various departments.

Commissioner Jones went on to ask about the five various applications that have been filed. Susan Swift explained that there were rezonings and special exceptions that are filed separately. Mr. Jones asked if they could go through the process grouped together to enable the Commission to review this application as a master plan.

Commissioner Kalreiss stated that there was a design charette scheduled for tomorrow (July 16).

Commissioner Hoovler asked about the Tree Commission presentation and when this would be scheduled for the Planning Commission. Susan Swift responded that this will be scheduled at the next meeting. Commissioner Hoovler also asked about the retreat that had been discussed some time ago. Susan Swift said that she would have information available for the next meeting. Commissioner Bangert asked what the timeframe of scheduling would be, four hours or more? Susan Swift said this had not yet been determined. Commissioner Hoovler asked that an agenda be made available for this so that they can prepare properly for this.

COMPREHENSIVE PLANNING

At this time, Gem Bingol of the Environmental Advisory Commission gave a presentation on the Watershed Preservation in and around Leesburg. The presentation covered assessment, a partnership approach and funding for a watershed program. The program covers such areas as stormwater management, flood mitigation, reduction of toxic runoff, erosion prevention and diminishing stream impact on surrounding neighborhoods and areas. Following the presentation, the floor was open to discussion and questions about the program.

Commissioner Bangert asked what the expectations were of the Planning Commission. Ms. Bingol said that the EAC has received support from the Town Council and would like to get the same endorsement from the Planning Commission. There was also some question on whether this management plan would be incorporated into the Town Plan. Ms. Bingol said it would play a significant role in the town plan update since watershed management will determine land use in certain areas, and will have a significant impact on the environmental portion of the plan.

Commissioner Hoovler went on to say that these details need further research to bring this to full development. Commissioner Jones said he was a member of Crossroads and one element is the redevelopment strategy of the Southeast section of town. This is ready to come before Planning Commission and Council. He wants to make sure that there are not too many different agendas on this.

Chairman Vaughan said that it is definitely important that these efforts be incorporated into the Town Plan for long term planning purposes. Susan Swift said the town plan will move forward and once the watershed plan is done, there will be something in place to make it a part of the Town Plan.

Commissioner Jones asked if there was existing data on flow analysis. Paul Gauthier came forward to say that yes, there is data and a plan in place. It covers flooding, erosion and sediment control. Leesburg has an NPDES MS4 rating and has a permit to discharge stormwater into Commonwealth waterways. Nathaniel Ogedegbe of the Engineering

Department is a public information officer for the Town working to educate the general public on environmentally friendly uses of storm drains, etc.

Chairman Vaughan asked how information such as this could be incorporated into the Town Plan. Mr. Gauthier replied that they have a standalone document, have information that they would be happy to share with the EAC and the comprehensive planning division.

Commissioner Kalreiss asked how runoff is dealt with. Mr. Gauthier said the town is charged with the amount of pollutants that enter the runoff. Most of this is accomplished through public education. Past that there are designs that assist in reducing the ability of debris entering storm sewers.

Gem Bingol thanked the Commission and asked that the community become involved in this very important watershed management program.

Chairman Vaughan thanked Ms. Bingol for the presentation. He then went back to Old Business and asked for an update on Bolen Park. Commissioner Wright said that the subcommittee on Bolen Park met on the 7th of July and basically discussed the transportation issues and water and sewer extension. The Planning Commission made a motion to go back to the Planning Commission with their findings. The Sycolin Road improvements scheduled by the town, VDOT and the County timetable is not in synch with the opening of the park. There is no funding in their budget for major improvements on several roads as required. Doing the BLA now was tabled since the town infrastructure is not in place. They did determine that extending water and sewer during phase II would not adversely impact the project.

ADJOURNMENT

The motion was made and seconded to adjourn at 8:42pm.

Prepared by:

Approved by:

Linda DeFranco, Commission Clerk

Clifton Vaughan, Chairman